

NCAA

EXHIBIT 1

AMERICAN INDIAN STUDENT SERVICES
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May 13, 2005

Robert Vowels
Chair of Minority Opportunity and Interests Committee
A. G. Gaston Building
1527 5th Ave. N.
Birmingham, AL 35203

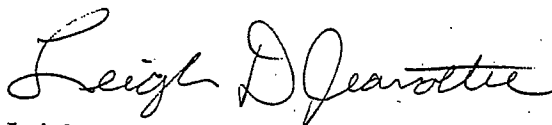
Dear Mr. Vowels,

As promised, the Minority Report of the University of North Dakota's NCAA Self-Evaluation Study is enclosed. Thank you for giving us the opportunity to participate in a process we hope sheds more light on this important situation. Should you need more information, or clarification, we will be happy to provide it. We look forward to reading the NCAA's Minority Opportunities and Interests Committee's report.

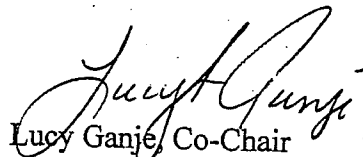
The attached editorial mirrors our concerns regarding the University of North Dakota's NCAA Self-Evaluation Report and the process by which the information was gathered.

We appreciate the NCAA's efforts in this matter.

Sincerely,



Leigh Jeanotte, Director
American Indian Student Services



Lucy Ganje, Co-Chair
Campus Committee for Human Rights

**NCAA Institutional Self Evaluation Examining the Use of
American Indian Mascots, Nicknames and Logos**

MINORITY REPORT

**Submitted by
University of North Dakota American Indian Student Services
And the Campus Committee for Human Rights**

INSTRUCTIONS FOR COMPLETING THE INSTITUTIONAL SELF EVALUATION:

The NCAA Executive Committee has requested that the NCAA staff seek additional information, as well as the institution's current position regarding American Indian mascots, nicknames and logos. Throughout this self-evaluation process, the chief executive officer is encouraged to make the evaluation a priority and it is hoped that the entire institution take responsibility for its completion.

It is recommended that the chief executive officer appoint a steering committee to oversee the development of this self evaluation. The Executive Committee expects the institution to include interested staff members and institutional constituents who worked on the previous self study and could be of assistance. The steering committee should have the representation of a broad-based group of the institutional community as well. If possible, the committee chair should be a member of the institution's senior management team and not a member of the department of athletics.

The institution must return the completed institutional self evaluation to the national office by May 1, 2005.

INTRODUCTION TO THE INSTITUTIONAL SELF EVALUATION

[Note: Please complete this form and include it at the beginning of the institution's self evaluation.]

Institutional Information

(Name of Institution) **University of North Dakota**

1. Type of institution: Public ☐ Private ☐
2. Year institution was founded: _____
3. Special affiliation (e.g., religious, military)? Yes ☐ No ☐
4. Coeducational? Yes ☐ No ☐

5. Total student enrollment (undergraduate and graduate combined) [using a full-time-equivalency (FTE) basis]: _____
6. Number of faculty [using a full-time-equivalency (FTE) basis]: _____
7. Level of academic degree offered: _____
8. Institution's governing entity (e.g., board of trustees): _____
 - a. Regional accreditation agency: _____
 - b. Date of most recent regional accreditation self-study: _____
 - c. Current accreditation status: _____

Athletics Information

1. Division/subdivision status of athletics program: I-A ____ I-AA ____ I-AAA ____ II ____ III ____
2. Conference affiliation(s) or independent status: _____
3. Athletics program structure (check all that apply):
☐ one combined athletics department.
☐ separate men's and women's departments.
☐ incorporated unit separate from institution.
☐ department within a physical education division.

Mascot, Nickname and Logo for the Institution

1. List all mascots, nicknames and logos for your institution

Mascots: American Indian people. Although the University of North Dakota claims it does not have a mascot, its mascot is very clearly an American Indian. The University's athletic name, "Fighting Sioux" and its symbol, an "Indian-head" represent the mascot. A mascot is defined as "a person, animal, or thing that is believed to bring good luck, usually one that becomes the symbol of a particular group, especially a team." In many respects those who are hired to entertain the crowds before and during UND athletic events, and to lead the teams onto the field, floor, or ice have become the University's mascots.

Nicknames used by UND's fans: Sioux, Fighting Sioux

Nicknames used by UND's opponents: Sioux Suck, F*cking Sioux

Logo: Left facing profile of the head of an American Indian male. The head includes eagle feathers, a symbol held sacred by Lakota (Sioux) people.

This logo is used for purposes other than athletic.

Logo: UND with flame embedded for some purposes.

2. Describe how your institution uses its mascot, nickname and or logo.

The statement in the University of North Dakota's Self-Evaluation Report regarding the use of the nickname and logo is false. The use of the name and logo are allowed for many purposes other than athletics. The "Indian-head" logo is used in an array of marketing applications. The image can be found on whiskey shot glasses and beer mugs, and sweat pants can be purchased with the name of a race of people (the Sioux) written across the behind. In addition to these items, the University sells, or sanctions the sale of bottled water labeled "H-Sioux-O," hotdogs called "Sioux-per Dogs," and items labeled "Sioux-venirs." Beer is sold in cups on which the logo is printed. At the sports arenas the logo is painted and engraved on the floor, where people continuously walk on symbols held sacred by the Sioux people. Reportedly the logo has been used over 3000 times in the arena—on the seats, the walls, the locker rooms, and the exercise mats.

The University of North Dakota's official response states that UND "limits use of the athletic logo to situations connected to intercollegiate athletics." This statement is misleading and false. The name, logo, and mascot are used for marketing and advertising purposes by campus and local business organizations other than athletics. The UND Alumni Association and Foundation, student organizations, the Greek community and the campus student newspaper have all used the name and logo to promote themselves. The Barnes & Noble university bookstore sells (in addition to the many lines of apparel with the nickname and logo) notebooks, license plate holders, key chains, hockey pucks, vehicle decals, glassware, and chairs with the nickname and logo printed on them. Students in UND's Aerospace program use decals and bumper stickers that say "UND Aerospace Flying Sioux." A student organization is called the "Sioux Crew."

Local and regional businesses that have used the nickname and logo include the Grand Forks Herald, Altru Health System, and Wells Fargo Bank. Altru Health System and the UND Alumni Association sponsor the "Sioux-per Swing" golf tournament. The name, logo, and mascot are used in local restaurants, bars, grocery stores (Fighting Sioux ice cream), motels, laundromats ("Sioux-per Suds"), sporting goods stores, jewelry stores, fast food restaurants (specifically Burger King), and gas stations.

These numerous uses of the nickname and logo appear to go unchallenged by the University's Vice President for Finance and Operations (the office that oversees licensing for the nickname and logo). But when an American Indian student entrepreneur distributed small pins on which the logo was printed along with the words "Time for Change" he was called into the Office of the Vice President and told he was in violation of the University's licensing agreement. He was ordered to stop and warned that his pins would be confiscated. The student reported he felt "strong-armed" and "harassed" by the University (*SEE ATTACHMENT A*).

The nickname, logo, and mascot, recreated in a variety of racist and homophobic situations, have been printed on tee shirts and sold by both UND's athletic opponents and fans. (*SEE ATTACHMENTS B*)

Institutional Self Evaluation Information**1. Steering committee chair (name and title):**

Phil Harmeson, *Acting Athletic Director*, Senior Associate to the President and past NCAA Faculty Athletic Representative.

2. Chief report writer/editor of institutional self evaluation (name and title):

Phil Harmeson, *Acting Athletic Director*, Senior Associate to the President and past NCAA Faculty Athletic Representative.

3. Describe the extent of broad-based participation of campus constituencies in the self evaluation. Specifically, report on the opportunities that actually were provided to various individuals or groups in the broad-campus community to: (a) offer input into the self evaluation report before its findings and plans for improvement were formulated, and (b) review the self evaluation report after it was drafted.

a). Contrary to what is stated in the University of North Dakota's Self Evaluation Report, the university did not seek broad-based participation of campus constituencies in the self-evaluation process. The 2000 Nickname Commission was the last time an organized attempt by the University Administration was made to provide opportunities for written, spoken, or open discussion of the nickname, logo, and mascot. Contrary to the NCAA's request, few opportunities were provided for campus participation in this self-evaluation process. Although the NCAA requested the evaluation committee chair not be associated with the department of athletics, the Acting Athletic Director and past NCAA faculty athletic representative was appointed.

The NCAA also asked that this report include new information gathered since UND completed the last self-study on this topic in 2002. But committee members were told by the chair that "due to the extensive amount of information we have gathered at UND over the years on this issue...the president determined that our reporting function was just that, a reporting function, not a new and/or different fact finding mission."

When the university community was asked for input (months after the administration was notified by the NCAA) the announcement asked that comments be confined to information generated by events after 2002. On the same day the university community was asked for input, the Self-Evaluation Committee received the first draft of the report, before the committee had even met.

The only two American Indian members on the committee immediately raised serious concerns. One member said he was "greatly troubled" by the amount of information he found to be either untrue or incomplete. He went on to cite specific examples of material and events not mentioned and wrote in a four-page response to the draft, "I found your report to be lacking in pertinent information, misleading, and untruthful." (SEE ATTACHMENT C)

These concerns were met with "disappointment" by the committee's chair. "I am disappointed," he wrote, "that your responses appeared to dramatically discount the advice I was given by our

President." It was made clear to those who disagreed that the substance and presentation of the first draft were "on target" and would remain intact.

It was also made clear that the input received that took issue with the name—the letters, articles, announcements, protests, and incidents all documenting the negative effects of the name and logo—were deemed irrelevant.

Several concerns about this self-study process were raised in the UND Faculty Senate. It was noted that the NCAA had asked for a survey concerning the impact of the mascot and logo but the Faculty Senate, the American Indian Programs Council, or the American Indian Student Services office had not been asked for input. A faculty senator also wanted to know if the report would consider the damage being done to UND's reputation, including reports indicating that some funding sources have refused UND proposals because of the logo, and that the name and logo were affecting recruitment and retention efforts for UND's premier American Indian programs.

b). The University of North Dakota's Self Evaluation Report's statement regarding this is disingenuous. UND's Self-Evaluation Committee did review the report after the chair wrote the draft. However, editing was not allowed in any substantive way. The NCAA Self-Evaluation Committee was handed the second and final draft of the Self-Study on April 27 at their first and only meeting. The document primarily contained information gathered in, or before 2002. None of the new information provided was used.

Although the NCAA had "hoped that the entire institution" would contribute to the completion of this report, not even committee members' suggestions or concerns were considered.

The University of North Dakota has provided few if any opportunities for discussion of the nickname and logo. Whenever any university-sponsored dialogue was suggested, response from the administration has consistently been that the State Board of Higher Education took the decision out of their hands and therefore nothing could be done. The University of North Dakota, which markets itself as the "premier institution" for American Indian programs, consistently ignores the requests of American Indian tribal governments, national governing and educational organizations to stop the use of the nickname, logo and mascot. (*SEE ATTACHMENTS D*)

The University's Self-Evaluation Report states that the American Indian Programs Council was one of multiple committees (and "of special note") that were established for open discussions. This is not factual, as the Director of American Indian Student Services notes in his response. As a member of the American Indian Programs Council he said the function of the Council "has never been to discuss or address the nickname/logo controversy." In fact, on the many occasions when the issue has surfaced, the Council has been told specifically by the University President not to discuss the logo. The Council was told that the nickname and logo were a separate issue from Indian related programming and were not part of the Council's charge.

The two campus organizations that have actively been involved in the struggle to change the name, logo, and mascot were not asked for input. The Campus Committee for Human Rights (CCHR) (faculty, staff, students, and community members), and the student group BRIDGES

(Building Roads Into Diverse Groups Empowering Students) did however ask their members to participate in this process. Letters, testimonies, newspaper articles, posters, and research were presented. None were used as part of the self-evaluation narrative written and submitted by the University of North Dakota.

Governance

- 1. Based on the institution's experience in the last ten years, list any decisions related to the use of an American Indian mascot, nickname or logo in which the institution's governing board, chief executive officer, athletics council, faculty senate or department of intercollegiate athletics has been significantly involved. Please provide the dates, the nature of the issues, the ultimate outcome or resolution and the nature of involvement from the various constituencies.**

The North Dakota State Board of Higher Education (SBHE), in December of 2000, interrupted a legitimate campus process during which the nickname, logo and mascot were open for debate. Although this order of business was not on the meeting's agenda, the SBHE, after receiving a threatening message from Ralph Engelstad (whose money was building a new hockey arena), voted that UND, without further discussion, would retain the nickname, logo and mascot.

The University of North Dakota's response to this section of the self-study is disingenuous. The State Board of Higher Education did mandate that the logo, nickname and mascot be retained by UND. However, the university's report does not mention that the University Senate remains on record as opposed to the nickname and logo because of its deleterious effects on American Indian people and other ethnic groups in the community. Neither does it mention that UND's Student Government voted to end the use of the nickname and limit the number of academic events held in the sports arena in order to support those, who for cultural and religious reasons, cannot enter a building where an image they find to be racially problematic is so prominently displayed.

- 2. Describe the process by which the institution makes major decisions related to intercollegiate athletics. In so doing, describe the role and authority of the institution's governing board, chief executive officer, the athletics board or committee (if one exists), the faculty athletics representative(s), the director of athletics, and any other appropriate campus constituencies (e.g. faculty, students, student-athletes) in this process.**

The North Dakota State Board of Higher Education is continually referred to as the ultimate authority on this matter. The tribes, whose name and image the University of North Dakota is appropriating, should have ultimate authority as to the use of their name and image.

3. Explain the institution's philosophy as it relates to the use of American Indian mascots, nicknames and logos.

The University of North Dakota Self-Evaluation Report relies on a statement made seven years ago by a president who quit following extended controversy in which the nickname and logo played a significant role.

However, UND's perceived philosophy as it relates to the use of the nickname and logo amounts to one of arrogant disregard. The arrogance of disregarding research, Sioux tribal government requests and campus American Indian organizations while considering the threats of one wealthy alumnus. The University Senate and other elements in the University Governance structure have recognized the negative effect of the logo as a continuing contradiction to the policies on institutional diversity and pluralism. This is why they remain on record—many since the 1970s and the Senate twice in the 1990 as opposing the nickname and logo. Departments have gone on record as recently as 2005.

The University of North Dakota is not successful, as has been proven time and time again, in its strive to use the name in a "highly and completely respectful fashion on and off campus."

NCAA Constitution 2.2.2

NCAA Constitution 2.2.2 states that it is the responsibility of each member institution to establish and maintain an environment that values cultural diversity and gender equity among its student-athletes and intercollegiate athletics department staff.

1. Explain how the institution is organized to monitor, evaluate and address activities that promote valuing diversity and gender equity among its student-athletes and intercollegiate athletics department staff.

It is true that the University does have a wide array of programs and services and there are several opportunities for students to attend programs that address diversity. However, there is no guarantee that students are attending. UND athletes may be encouraged to attend, as is the entire student body at UND, but very few take advantage of these opportunities. During a time when the nickname/logo controversy was heightened, student athletes were asked to attend the annual Wacipi organized by the UND Indian Association student organization. The athletes showed up wearing Fighting Sioux jerseys in an obvious act of defiance and stayed only for a short while, which was witnessed by several UND staff and faculty members.

Diversity is not promoted when students and staff cannot attend events other than athletic events, held in campus venues. Some examples are career fairs, fundraising activities such as cancer walks, and registration for summer activities. Many American Indian people and others are so offended by the prominent display of the Sioux logo and accompanying actions that they cannot participate in anything at the athletic venues, thereby being prevented from full participation in the university community. The situation may be analogous to asking African-Americans to enter a building that waves Confederate battle flags and carries the message that "The South Will

Rise Again." The people calling themselves "Sioux" and portraying a Sioux face as representing the University are offensive.

UND's Self-Evaluation Report states "all legal safeguards to protect cultural diversity and gender equity..." have been instituted. The Report continues, "we are acutely aware of the potential issues that may arise and are safeguarding our interests..." Unfortunately the University of North Dakota's interests in this area appear to be in direct contrast to the interests of minority students, faculty, and staff on this campus.

2. **Explain how the institution's use of an American Indian mascot, nickname and/or logo is consistent or inconsistent with the aforementioned NCAA Principle. In instances in which the use or depiction appears inconsistent, the institution should include a detailed plan that outlines how the institution has modified or will consider modifying its use of American Indian mascots, nicknames and logos to ensure that it is consistent with NCAA Constitution 2.2.2.**

The institution's use of an American Indian mascot, nickname, and logo are inconsistent with NCAA's principles. The University is ignoring the requests of national, regional, and campus American Indian organizations and departments. UND's Self-Evaluation Study mentions a statement read before each game as an example of how the name and logo are used with respect. The statement asks that fans respect "American Indians and their rich culture and heritage." If the name and logo were respected this statement would not be necessary. Following the statement the National Anthem is sung, ending with the words, "And the Home of the Sioux" which is disrespecting both the National Anthem and the Sioux people.

The institution's use of the nickname and logo are inconsistent with the NCAA Principle. The UND nickname and logo are only supposed to be used for UND athletics. There are numerous examples of how the logo is used purposes other than athletics. One example of a UND organization misusing the logo is found in the letterhead of "The Greek Semesterly" newsletter (*SEE ATTACHMENT E*). Others are bottled water labeled H-Sioux-O and Sioux-per dogs sold as refreshments. Two examples of misuse by organizations outside of UND are a recent golf tournament sponsored by the Altru Health System entitled the "UND Sioux-per Swing Golf Tournament" (*SEE ATTACHMENT F*) and granite cemetery markers sold by Stennes Granite Company (*SEE ATTACHMENT G*). The point is, there is no way for UND to monitor the use of the logo in the Grand Forks community. It is obvious there is difficulty monitoring its use within UND organizations and departments, let alone outside entities.

NCAA Constitution 2.4

NCAA Constitution 2.4 indicates that member institution's intercollegiate athletics programs must promote the character development of participants, to enhance the integrity of higher education and to promote civility in society, student-athletes, coaches, and all others associated with the athletics programs and events should adhere to such fundamental values as respect, fairness, civility, honesty and responsibility. These values should be manifest not only in athletics participation, but also in the broad spectrum of activities affecting the athletics program. It is the responsibility of each institution to:

(a) Establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution; and

(b) Educate, on a continuing basis, all constituencies about the policies referenced above.

1. Please attach the institution's policies as it relates to sportsmanship and ethical conduct as they relate to the use of American Indian mascots, nicknames, and logos.

The sportsmanship and ethical conduct policy attached to the University's self-evaluation report does not address American Indian mascots, nicknames, or logos.

2. Indicate whether American Indian mascot behavior related to intercollegiate competition demeans or is disrespectful of American Indians and identify actions taken to correct such behavior. Explain what measures were taken, if any, to determine what harm might be caused by the behavior of your mascot or your emblems or logos.

The University of North Dakota's Self-Evaluation Report states that the obscene tee shirts and chants used by our opponents are "clearly not intended to demean or to be disrespectful to American Indians." This is false and misleading. American Indian mascot behavior is clearly demeaning and disrespectful of American Indians. It is true that most of the demeaning behavior is perpetrated by the opposing teams and their fans, but there is no way for small children (Indian and non-Indian) to know who is saying what and for what reason. For example, the most popular chant is "Sioux Suck!" It is reasonable to believe that hearing a chant such as this repeated over and over again would hurt an American Indian child attending a game. Also, what kind of a lesson is this for non-Indian children who are forming their own impressions of the world and cultures around them? Demeaning behavior is certain at all athletic events. Therefore many people, Indian and non-Indian, are not able to attend UND athletic events or any other events held at the Ralph Engelstad Arena (REA). For example, an alumnus of UND donated a pair of tickets for American Indian students to attend the World Junior Hockey Championship Games held at the Ralph Engelstad Arena and another smaller venue for the less-popular games in Grand Forks. There were very few games played at the other venue. A Rosebud Lakota (Sioux) student wanted to take his children to a game. He could not take them to Engelstad Arena where the logo is displayed over 3,000 times. He, and his children were effectively banned from attending out of fear they would be hurt in some way.

The University of North Dakota Administration nor the North Dakota State Board of Higher Education have taken not measures to determine what harm might be caused by the use of this nickname and logo. They continue to ignore the research that has been done which indicates that harm is in fact occurring.

3. Please describe how the institution educates student athletes, staff, fans and spectators on sportsmanship related to American Indian mascots, nicknames and/or logos.

The response by the University of North Dakota to this request is false and or misleading. Regarding the Athlete Orientation Program: Information was requested from the UND Athletic Department to verify the claim that athlete orientation programs address American Indian symbols, traditions, customs, values, etc. The Assistant Athletic Director stated that the orientation for student athletes was not geared specifically to American Indian cultures. He said a discussion of American Indian symbols, traditions, customs, and values made up only a small portion of the orientation program.

The Athletic Department's orientation program includes a book titled "Counting Coup: A True Story of Basketball and Honor on the Little Big Horn," by Larry Colton. A reviewer called this book short-sighted and "a missed opportunity to reflect on larger questions." The book is about the "ugly legacy" of an American Indian basketball player's community. The reader is told this legacy includes alcohol, domestic abuse, abandonment, short-sighted tribal politics, fierce racism, and misogyny. It is set in the "tar-paper shack ghetto" of a reservation. The use of this book, written by a non-Indian author is questionable, serving perhaps to cement student athlete's stereotypes of American Indian people and reservations. Neither the Indian Studies Department nor the American Indian Student Services Office was asked to recommend an appropriate book to introduce students to American Indian cultures and issues.

Furthermore, not one staff or faculty member of the 28 American Indian related programs have ever been contacted to conduct a presentation at an orientation for athletes on topics of diversity. On the other hand, staff from American Indian Student Services regularly present on diversity and American Indian issues for the UND Medical School, College of Teaching and Learning, Occupational Therapy Department, Housing Office, and the Graduate School.

Regarding the Athletic Program letter and articles: Contrary to what the University's Self Evaluation Report states, there is no letter from the President or statement of any kind that outlines respect for the name and appropriate fan behavior included in the athletic programs for any of the athletic events. *The Director of Athletic Media Relations for UND has verified this fact.*

The Athletic Media Relations Director further verified that in his five years in this position he "vaguely remembers maybe one article submitted by University Relations on an Indian-related topic" but that it would "take some digging to find it."

The past director of North Dakota State University's (UND's number-one rival) multicultural services—and currently an employee of UND—reported that during his tenure at NDSU there was no attempt by UND or NDSU to encourage appropriate fan behavior as it relates to the name, Fighting Sioux. We have been unable to verify these contacts for any other schools UND plays in athletic events.

The athletic contest cultural programs mentioned in the University's Report have not been held in any consistent manner. One person and his son were paid to present dance regalia and

perform an exhibition dance during the 2002-2003 and 2003-2004 academic years at some athletic events. Another man, a spiritual advisor, was asked to provide a blessing at an athletic event and was provided the "Best Seat in the House" for doing so. He was not aware of the implications of this event. Once he was informed that his presence was intended to promote the Fighting Sioux nickname and logo, he never again agreed to even attend an athletic event.

NCAA Constitution 2.6

NCAA Constitution 2.6 states that the Association shall promote an atmosphere of respect for and sensitivity to the dignity of every person. It is the policy of the Association to refrain from discrimination with respect to its governance policies, educational programs, activities and employment policies including on the basis of age, color, disability, gender, national origin, race, religion, creed or sexual orientation.

1. **Indicate how the provisions of NCAA Constitution 2.6 support or do not support the use of an American Indian mascot, nickname and/or logo. When providing your explanation, please use specific references to the manner that the institution uses its mascot, nickname and/or logo.**

The response given by the University of North Dakota's Self Evaluation Report to this question is argumentative and disingenuous. The University of North Dakota continues to argue that the nickname and logo are used to honor American Indian people. This, in spite of the fact that they have been told, officially, by American Indian people that it is no honor. Research has shown that the name was chosen not to honor the Sioux people but because the Sioux killed the bison, the sports team name of UND's rival.

2. **Explain whether your institution's use of an American Indian mascot, nickname and/or logo supports the American Indian culture.**

The University of North Dakota's Self-Evaluation Report argues that the use of the nickname and logo give "a heightened awareness to the constituencies of the University of North Dakota about the rich culture and heritage of Native Americans." This report does not include the continued disruption of the educational process as the nickname and logo are debated in class. Nor does it mention the number of American Indian students who feel burdened by these discussions. There are many American Indian tribes represented on this campus. The University's use of the nickname "Sioux" and the accompanying logo perpetuates stereotypes of American Indian people and does not contribute to an understanding of either the "rich culture and heritage" of the Sioux people or of Native Americans in general.

The University's Report states, "While one may argue that in fact, the use of a Native American nickname or logo as an athletic moniker is inherently discriminatory, that has never been established either legislatively or judicially by a body that has jurisdiction over the University of North Dakota." This response also describes the University's philosophy regarding this matter. It is remarkable that an institution of higher learning would use this statement as a means to justify their use of a nickname and symbol! The same argument used in the last century to justify racial segregation.

Educational and Outreach Initiatives

1. Describe your institution's educational programs and initiatives as it relates to American Indian history and culture.

The university has 28 Indian related programs that focus on American Indians and Indian issues. Only one of these programs, the Indian Studies Department, is educational in nature. The remaining programs focus primarily on student support and research.

It is necessary to point out that the vast majority of Indian programs are federally funded and depend on grants obtained by the various directors. Only two of these programs (the Indian Studies Department and American Indian Student Services) are funded through state appropriations. Various directors are to be congratulated on establishing outstanding reputations despite the controversy surrounding the current athletic name.

While the university has policy statements relating to diversity and pluralism, it can never "solve" a case, therefore can not regulate, sanction, or dissuade people who violate the policies. One incident in 2004 illustrates the problem. The University of North Dakota Indian Association, the official American Indian student organization (to which all students are eligible to belong) erected a tipi outside the student union with permission of the university. It was "egged" and beer cans thrown in by members of a group of students who emerged from the area of a fraternity house chanting racial slurs. University police did come but nothing was resolved because the individuals responsible could not be identified.

2. Describe your institution's efforts to build relationships and provide support to the American Indian community.

While it is obvious that a large portion of the American Indian community is angry, hurt or uncomfortable with UND's use of the nickname and logo, the University has not provided any support for this segment of the community. Rather it is left to groups such as the Campus Committee for Human Rights to nurture, support and encourage those who support their tribal governments and organizations in the effort to change the name and logo. When the NCAA sponsored its Division II National Basketball Tournament at Engelstad Arena on March 26, 2005, an educational forum and rally organized by CCHR and BRIDGES was held. Charlene Teters, a member of the Spokane Nation, was guest speaker. The educational forum was held at the University of North Dakota International Centre and drew about 100 people of all ages, Native and non-Native. Teters is a professor at the Institute of American Indian Arts at Santa Fe, New Mexico. She is an activist, artist, teacher, writer, and the subject of the film documentary, "In Whose Honor." During her talk, Teters commented that UND's continued use of the logo is a "dehumanization" of the Native peoples who live in this region and a form of "cultural genocide." She said each time she visits the campus she senses "a hostile environment" for people of color, especially members of the Sioux Nation. Teters urged those in attendance to oppose UND's current athletic name and logo. Expressing hope that someday the athletic name and logo will be replaced, she said, "I have a lot of faith in human beings." Following the program, a group of people opposing the Fighting Sioux athletic name and logo marched to a parking lot in front of the Ralph Engelstad Arena. Several people shared passionate remarks

about the struggle about persuading the powers that-be to make the change that is, in the minds of many people, inevitable.

No University administrators or Athletic Department personnel attended Ms. Teter's presentation or the video and discussions presented the week prior to Ms. Teter's appearance.

3. Describe efforts to educate the institutional community on American Indian history and culture.

The University's response to this section is misleading. Contrary to the University's Self-Evaluation Report, "Exploring the American Indian Experience," called American Indian Experience Program in the report, is not a program or an initiative. It is only two years old and has no permanent funding. The American Indian Programs Council recommends the program to the President for funding. This year's program suffered through indecisiveness of the administration and attendance was down. Although this is an on-going initiative it depends primarily on the volunteer work of Indian related programs personnel.

4. Describe efforts to educate the athletics staff, student-athletes and athletics supporters on American Indian history and culture.

Although encouraged to attend, except for very rare instances the athletics staff and student athletics are not present at cultural activities, such as "Exploring the American Indian Experience" events, or the spring powwow. It should be pointed out once more that the athletic department does not draw on the cultural and academic expertise of American Indian Student Services, the Indian Studies Department, or that of other Indian related programs. Indian Studies, for example, has not been approached by the Athletic Department to assist in the education of student athletes.

On inquiry, the Director of Athletic Media Relations pointed out that he has not been asked to insert diversity topics into game programs in the five years he has been at UND. The cultural programs listed for athletic contests in the university's report represent a one-time effort. The "traditional dress displays" noted in UND's Self Evaluation Report was not only just a one-time display but it is also was inaccurate in several ways. First, the one dancer wears the same outfit (fancy dance regalia) every time; there have been no other dancers. Secondly, fancy dance, the most colorful of all dance regalia, is not traditional, it is a fairly recent addition to the powwow (approximately 1950s).

5. Describe how your institution ensures a safe environment for all fans, including American Indians during athletics contests and other events that the institution's American Indian mascot, nickname or logo is being used and on display.

Even though incidents may have not been reported to the police, there is much anecdotal evidence that students have experienced difficult situations at sporting events, and, therefore, no longer attend athletic events. Thereby, events that should promote unity and diversity on campus exclude Native American students and others who oppose the name.

The University does attempt to ensure that only those who support the use of the nickname and logo attend athletic events. Recently season ticket holders were notified that in order to retain their season hockey tickets they were required to become members of the "Fighting Sioux Club." A Professor in the Department of Biochemistry and Molecular Biology, a Chester Fritz Distinguished Professor and a follower of UND athletics for 27 years responded:

"For some time I have felt strongly that use of the Fighting Sioux name and logos must be discontinued. At the same time I have wanted to support our teams, players and coaches without endorsing or supporting use of the logo and name. I have realized that one cannot neatly separate support of one from the other. However to become a member of the Fighting Sioux Club clearly takes me into the area of supporting use of the name and logo. I cannot do this and therefore I will not be renewing my season tickets in hockey."

(SEE ATTACHMENTS H)

Assessment

1. Describe the institution's efforts to assess the feelings of its constituent groups as to whether the institution should continue or discontinue the use of American Indian mascot, nicknames or logos. If some assessment has been completed, please provide the dates of the assessment and its conclusions.

The University of North Dakota has not mounted or completed such an assessment since 2000. The UND Social Science Research Institute's "UND Alumni, Employees, Students, and Minority Student Survey" (Oct. 23, 2000) indicates a significant level of disagreement with assertions that the logo honors and supports American Indians. It does indicate that alumni and students in general tend to support it. However, the issue is not one of whether some university constituents think the logo is okay. The issue is whether a group of students should continue to be offended when it is not necessary. Indian people suffer from this logo's continued use and the University suffers long-term effects because of its use. This evidence has been assessed through research conducted by the Indians into Psychology Doctoral Program.

Professional organizations to which UND faculty and staff belong continue to oppose the use of humans as logos. These include the American Anthropological Society, the American Psychology Association and many others. These are constituents of the University because they set the standards for scholarship and participation in higher education. UND faculty and staff are required to belong to them as part of their professional service to UND's students and community. Again the opinion and the research is consistent. Harm is caused by the logo and its associated activities.

2. Describe the institution's efforts to assess whether its use of an American Indian mascot, nickname or logo is offensive. If some assessment has been completed, please provide the dates of the assessment and its conclusions.

The University of North Dakota has not mounted or completed such an assessment since 2000. Evidence of the harm that the name and the constant, ubiquitous presence of the logo causes is available to the University but their report ignored this information. A doctoral dissertation in Psychology completed in 2005 at UND concluded that the logo interfered with Indian students' participation at the University. It concurred with research going back to *Brown v Board of*

Education of Topeka that the objectifying of people causes harm to those people. Several other faculty and doctoral students have also done research on the issue. Recently two graduate students reported on an extensive imagery research project. The research concluded that American Indian students were angered, embarrassed, and offended by the objectification of Indians, and the Sioux nickname and logo were part of this. (SEE ATTACHMENTS J)

Given the nature of the logo—the conversion of a living people into a sports symbol—the reaction of American Indian tribal governments to the logo is germane. Tribal councils (these are sovereign governments and represent their tribe as Congress represents all Americans) within North Dakota have passed resolutions indicating the name/logo should be dispensed with because it is harmful and disrespectful; in South Dakota, the “Sioux” tribal governments of Pine Ridge, Rosebud, Crow Creek, Sisseton-Wahpeton, Yankton, Standing Rock, and Cheyenne River have passed resolutions. The Indian Education Associations within Minnesota and North Dakota have called for the name to be dropped, as has the National Indian Education Association. When the elected governments of entire nations consider a symbol to be harmful, the University of North Dakota has a responsibility to listen. (SEE ATTACHMENTS J)

- 3. Please provide (and describe the nature) a full description of any formal complaints filed within the past thirty-six months that have been made against the institution for its use of an American Indian mascot, nickname or logo.**

The North Central Accrediting Agency (UND's accrediting body) (SEE ATTACHMENT K) and the U.S. Commission on Civil Rights (SEE ATTACHMENT L) have also gone on record, urging UND to stop the use of a moniker that is dividing the campus and impeding our educational mission. The University of North Dakota has not done what it can to mitigate the impact of the logo on its community even within the context of the North Dakota Board of Higher Education's mandate to retain the name.

It is clear that the University should be working to convince the North Dakota State Board of Higher Education that their repressive position on the logo should be reconsidered. Any organization must proceed internally to mitigate policy decisions and to carry out its mission. One aspect of carrying out the mission is to comply with NCAA rules and regulations as contained in the organization's bylaws.

Conclusions

- 1. After reviewing the answers to the institutional self evaluation items noted above, how would the institution describe its use of American Indian mascots, nicknames and/or logos?**

UND's use of the nickname, logo and mascot is at best disrespectful and insensitive; At worse its use is racist and condones racist behavior.

- 2. In light of the information set forth above, will the institution continue to use its current mascot, nickname or logo? Why or Why not? Yes.**

UND will argue that the university's governing body will not allow the institution to honor the requests of tribal governments and American Indian organizations who have repeatedly stated that the name dishonors American Indian people.

3. In light of the information set forth above, will the institution make any modifications to the manner that it uses its current mascot, nickname or logo? No.

The University of North Dakota's use of its current athletic name and logo is our campus' Achilles' heel. Until the Fighting Sioux nickname and logo are once and for all replaced with an appropriate and positive image, students, faculty, staff, administrators, and residents of the greater UND community will continue to struggle with a multitude of related problems. This controversial issue negatively affects the campus climate, impacts student recruitment and retention, and alienates our University from other campuses in our region.

Critics assert that the North Dakota State Board of Higher Education and the University of North Dakota's refusal to retire the name and logo demonstrates that our officials are insensitive, arrogant, and out of touch. In recent years a long list of campus, regional, state and national organizations have voiced opposition to the continued use of athletic mascots bearing the names and likenesses of American Indians. Despite a growing tide of criticism, UND stubbornly clings to this symbol. A symbol that dishonors a race of people, causes institutional and educational discord, and calls into question all institutional efforts toward diversity and inclusiveness.

This Minority Report is submitted with disappointment. Faculty, staff and students (American Indian and others) with little time, and in good faith prepared information to submit for the NCAA Self-Evaluation Report. American Indian related programs and the Campus Committee for Human Rights respectfully involved themselves in a process whose outcome they hoped would shed more light on a continuing conflict at UND. The information we provided to the NCAA Self-Evaluation Committee was disregarded or termed irrelevant.

It also became apparent that we were providing information to an institution that was, in our view, exhibiting little respect for neither the National Collegiate Athletic Association nor its evaluation process.

The chair of the committee, called the NCAA hypocritical in a story published in the *Grand Forks Herald*. "The NCAA does not have the authority to order a school to use, or not to use, a particular name, or mascot, or whatever" he is quoted as saying. The same article inferred that the committee chair raised the issue of legal action: "it's possible that somebody could conjure up a lawsuit against the NCAA if it imposed sanctions against UND as a result of the nickname." (SEE ATTACHMENT M) The President of the University, at a mentoring luncheon for new faculty, when asked about the situation said the NCAA was "harassing" UND.

The University's Self-Evaluation Report states, "Obviously the debate will go on, and more likely than not will remain unresolved for quite some time" This statement leads us to believe the University fully understands the serious, long term issues at stake. Various articles underscore the long-term seriousness of this issue. (SEE ATTACHMENTS N). Unfortunately the University of North Dakota and the North Dakota State Board of Higher Education is willing to allow racist

behavior, limited access for American Indian students to sporting events, and a racially charged campus climate.

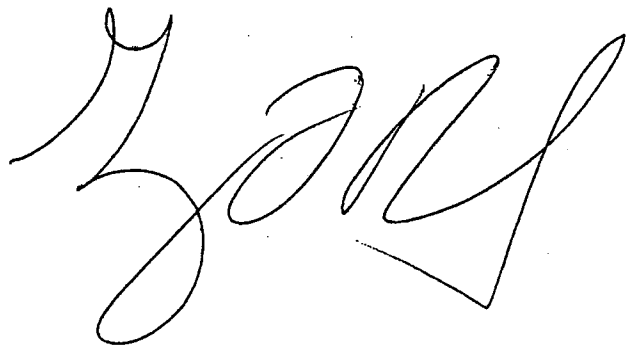
In developing this report we made every effort to give an honest, accurate, and straight-forward account of the ongoing conflict at the University of North Dakota regarding its use of the Fighting Sioux nickname and logo. This Report is submitted with trust that this process will support the NCAA's constitutional objectives to promote an atmosphere of respect for and sensitivity to the dignity of every person and enhance the integrity of higher education.

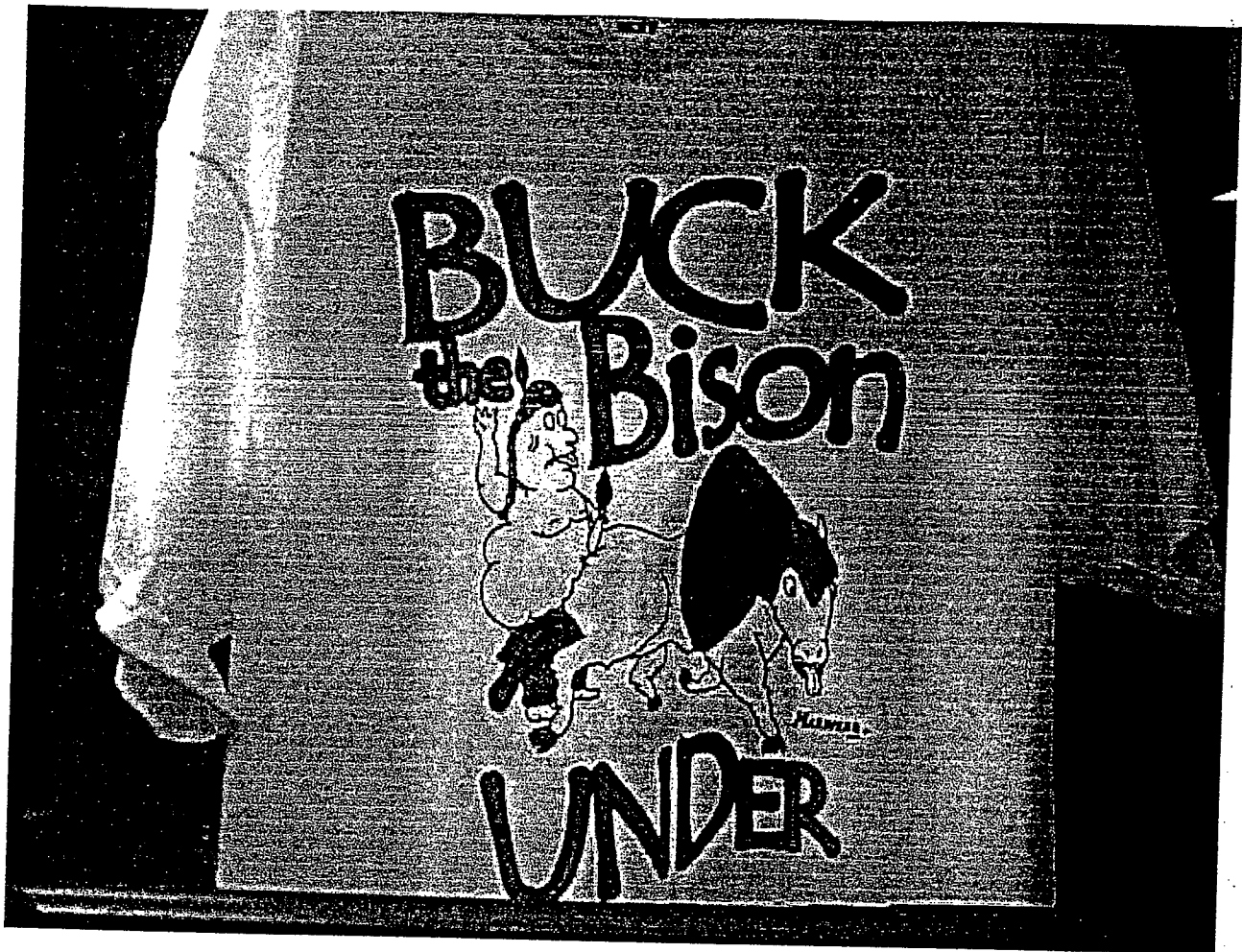
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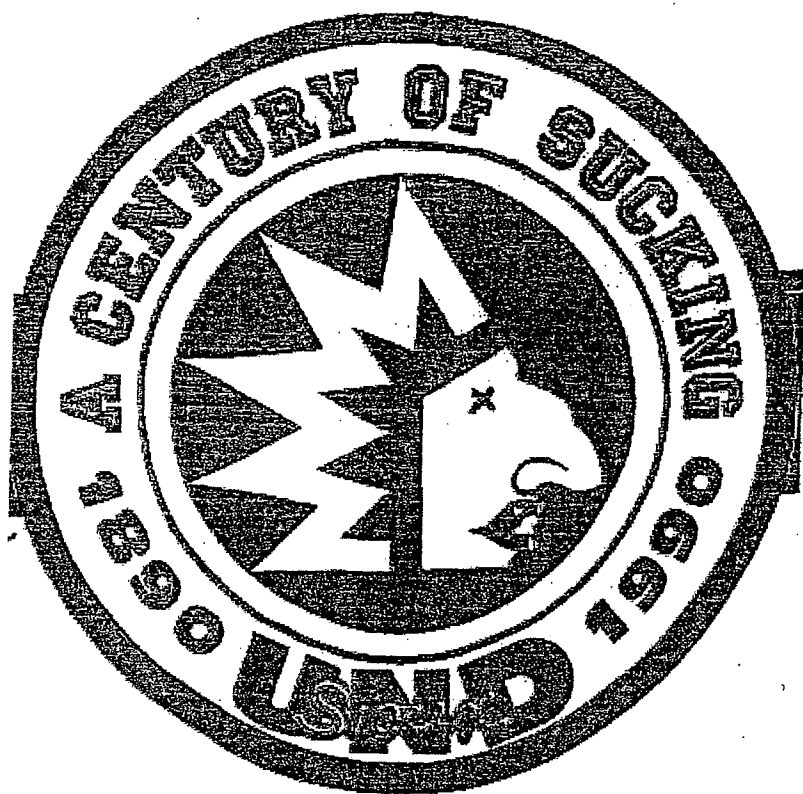
— Last winter I had some gold pins made to protect the use of the Fighting Sioux logo. I was asking for a small donation to help cover the expense of the cost of the pins and after the story broke in the DS, the administration wanted me to: A) relinquish all remaining buttons, B) give up the name of the manufacturer, and C) not do it again.

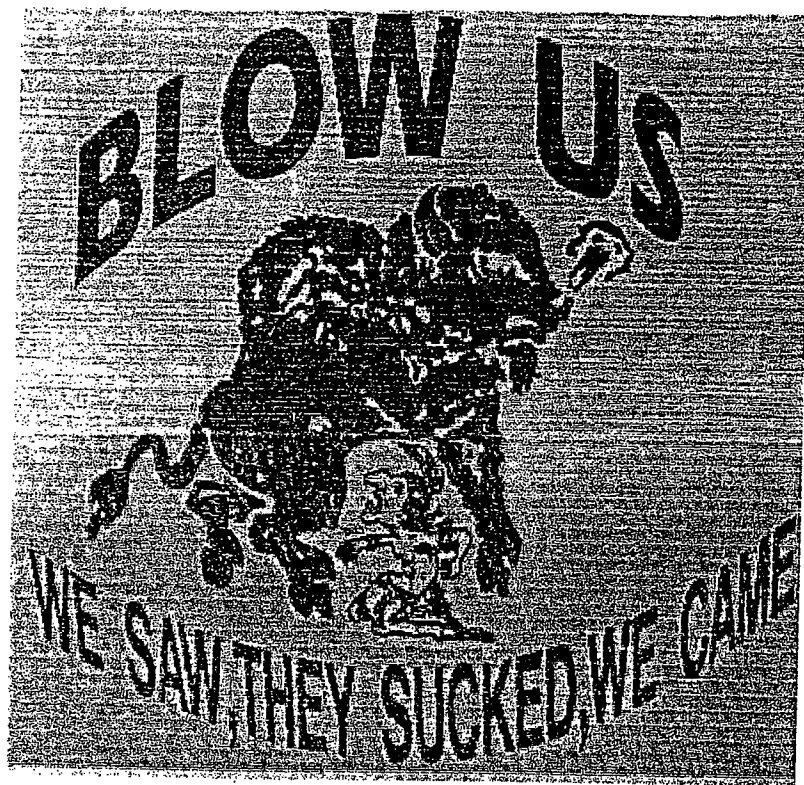
— I told them if they wanted anything from me that they put it in writing. I haven't heard from them since I replied to them, in writing, stating what I needed from them (in writing)

I also asked them for information regarding the trademarks pertaining to anything related to the F.S. & I still haven't heard back from them.

A stylized, handwritten signature in black ink, consisting of several loops and a long horizontal stroke.







Date: April 15, 2005

To: Phil Harmeson

From: Leigh Jeanotte

Re: Report to NCAA

I have reviewed the draft of your report to the NCAA regarding the Fighting Sioux nickname logo and related controversy. I must say that I was not pleased with what I read, given that I found a great deal of the information to be either untrue or incomplete.

To begin with, under "Mascot, Nickname, and Logo for the Institution" number 2, you stated that the nickname and left facing profile logo are authorized to be used for athletic related purposes only. This is hardly the case! The nickname and logo are plastered all over the Grand Forks and East Grand Forks communities and widely used to promote non-athletic related products, businesses, and services.

Under "Institutional Self Evaluation Information" number 3, you stated that opportunities were provided to various individuals or groups within the campus community to offer input, however, I do not feel that there was enough/any involvement from those who oppose UND's use of the nickname and logo. Put simply, how valid is an evaluation when only one side of the controversy is allowed to have input?

In the third paragraph under number 3, you stated that there have been multiple opportunities for discussion of the Fighting Sioux nickname, and again, this is simply not true given that the UND administration's response to any dialog concerning the controversy has consistently been that the decision was taken out of their hands by the State Board of Higher Education, therefore nothing can be done.

In the following paragraph, you stated that the American Indian Programs Council was one of multiple committees (and "of special note") established for open discussions throughout the University community. This is not factual. The function of the American Indian Programs Council has never been to discuss or address the nickname/logo controversy. In fact, when the issue is brought up for discussion, there is never any movement on this topic.

Under "Governance" number 3, in the first paragraph, why must we use a quote by former UND President Baker (who left the institution under questionable circumstances likely related to the nickname/logo controversy) to explain the institution's philosophy as it relates to the use of American Indian mascots, nicknames and logos? Have we no current philosophy?

In the third paragraph under the same section, I am deeply troubled by your statement that the University strives to use the name in a highly and completely respectful fashion

on and off campus. Are Sioux dogs, Siouxveniers, Fighting Sioux ice cream, Fighting Sioux shot glasses, Fighting Sioux door mats, the word "Sioux" printed across the rear of sweat pants, etc. examples of "completely respectful fashion on and off campus"? You and I both know that these are not examples of the respectful use of the name of a living existing nation of American Indian people. Additionally, there is no way of monitoring opposing teams' fan behaviors and language as it relates to the nickname and logo this institution uses for its sports teams.

In the section "NCAA Constitution 2.2.2" number 1, the second paragraph discusses UND's recognition as a national leader in providing access and opportunities for American Indians, yet it should be noted that most of the Indian related programs were established by Indian related programs faculty and staff utilizing outside or federal funding. Additionally, while this University may be "committed to the issue of diversity" as you stated, the fact is that the nickname/logo controversy continually gets in the way of students' education, and that a significant number of students, faculty, and staff members are strongly opposed to the institution's continued use of the nickname and logo. This should be included in the report, along with the fact that many campus community members cannot access events of any kind held in the Ralph Engelstad Arena due to cultural and/or moral beliefs. Why is this information not included? Also in that paragraph, please refer to our office as American Indian Student Services, rather than the formerly used "Native American Programs."

The next paragraph you discuss the Cultural Awareness Committee and the Multicultural Awareness Committee as promoters of cultural awareness and diversity. You failed to mention that just within the last month, UNDIA and BRIDGES student organizations tried to secure funding from the Multicultural Awareness Committee to bring Charlene Teters to campus, and were initially turned down, fearing the "controversial political" nature of her public stance against using American Indian names and images for sports and profit. These kinds of responses and issues are not what I would call promoting cultural awareness and diversity nor open discussion on this topic.

Under number 2 of this section, I found a great deal of misinformation. Again, your statement that "the University takes steps to ensure that all references to our nickname and logo are done with consummate respect" is simply not factual. As previously mentioned, examples such as Sioux dogs and "Sioux" printed across the rear of sweat pants is far, far from respectful. This information should be included in your report to the NCAA. You went on to say in the following paragraph that "should the logo be used for retail purposes, the Vice President for Finance and Operations must approve that use." I find it difficult to understand how the many inappropriate and disrespectful uses of the name and logo came to be, given such "safeguards." I believe that your statements are misleading and an attempt to sugar coat the truth of what really takes place here.

I also take issue with your statement that UND officially adopted the name of the Fighting Sioux in the 1930's to honor the American Indian tribes of the state. None of the historical documents support this statement, in fact, documents reveal that the name was adopted because of the fierce, war-like image that the Sioux name could bring to

UND, in addition to the belief that the Sioux could win over the opposing NDSU team, the Bison. And finally in regard to this section, the last sentence states "Any advertising or marketing which utilizes the logo must be approved by the director of athletics." Again, I have to wonder if these "safeguards" are actually in place and operational, given the many previously stated examples of disrespectful uses of the name/logo.

In the next section, "NCAA Constitution 2.4" under number 2, I believe that much more detail could have been provided regarding the derogatory incidents and harm that they cause. This section was far too brief and lacked too many specifics to provide the NCAA with a true and factual account of what goes on at UND, particularly at sporting events.

Under number 3, I have to question the procedures outlined concerning the athletic orientation program. American Indian Student Services, Indian Studies, and the American Indian Programs Council have not been contacted or involved in these activities, and I find that extremely troubling given that such sources would likely be able to provide the best and most accurate input for such an orientation program. Also, concerning the athletic contest cultural programs, while initially an American Indian spiritual leader was featured, he later refused to participate when he learned about the harmful effects of the institution's use of the Fighting Sioux name and logo. The programs that I have witnessed are merely an entertainment component for the crowd, do not teach about respect, and are not provided by well respected members of the University community, and get paid excessively well. Many American Indian students, faculty, and staff are hurt and angered by these paid performances, and this should also be included in the report to the NCAA.

Section "NCAA Constitution 2.6" begins by stating that the association shall promote an atmosphere of respect for and sensitivity to the dignity of every person, and this is not what I and countless others have witnessed at UND concerning the nickname and logo and related actions. Under number 1, the report concludes that the debate will go on and more likely than not, will be unresolved for quite some time. That statement alone should be enough to convince people that the Fighting Sioux name and logo are not appropriate for UND's use, given the polarizing and emotional nature of the controversy surrounding it. Why continue to use a name and logo that divides people and causes a debate that will be unresolved for quite some time?

Under number 3 of that section, the UND Statement of Institutional Diversity and Pluralism specifies its mission to meet the individual and group needs of a diverse and pluralistic society through education, research, and service. However, I am aware a graduate student who was not allowed to show the video "In Who's Honor" and have discussion about this topic. "In Who's Honor" portrays the negative effects of using American Indian names and images for sports and profits, yet the educational forum was not allowed to occur. I have official, detailed supporting evidence of this incident that I can send to you for inclusion in the NCAA report.

Additionally, in the same paragraph, it states "Diversity in the University is constituted by the full participation of persons of different racial and ethnic orientation.." and it needs

to be reported that many, many members of the American Indian community at UND are not able to fully participate in any activities, sporting or otherwise, held at the Ralph Engelstad Arena due to cultural or moral beliefs. There is definitely a problem with this lack of inclusion and participation by a significant population on campus and in the community. This should also be included in the NCAA report. This section also failed to report that many, many departments, programs, offices, and even tribes – have submitted formal resolutions requesting that the University retire the stereotypical nickname/logo. Rather, the report inaccurately stated that “the use of the Fighting Sioux nickname to our knowledge has never been challenged.” This is completely untrue.

Moving on to “Educational and Outreach Initiatives,” it should be noted that the Office of American Indian Student Services and a majority of the Indian related programs on campus have submitted formal resolutions asking that the nickname/logo be discontinued due to its wide array of harmful effects. This should be included in the report.

And finally, under “Assessment” the second paragraph concludes by stating, “thus under the laws of North Dakota, we have no other choice than to be known as the Fighting Sioux.” If this is the case, why even have an assessment or discussion or debates? I find it extremely hard to believe that the State Board of Higher Education in the state of North Dakota is the extreme power, more so than the tribes, the NCAA, the Office of Civil Rights, etc. The statement that “we have no other choice” is simply ridiculous.

I’d also like it to be known that there have been many incidents and problems occurring on campus since the last NCAA visit and your report does not include them. Examples include the tipi vandalism last year during Time Out, the March and Rally for social justice held on campus this past March 26th to protest the name and logo, student Gary LaPointe being called upon by administration (intimidated) to discontinue distributing small pins featuring the logo with a line drawn through it and the words “Time for Change,” the numerous St. Cloud protests against the Fighting Sioux name and logo, the showing of 2 anti-logo videos on campus: “In Who’s Honor” and “If the Name Has to Go” which both feature UND, the trauma that ensued last year at graduation when the American Indian Law graduates wanted to include a drum honor song in the graduation ceremony, and the previously referred to account of an American Indian graduate student teacher being denied the freedom to present on the logo issue in her multicultural class (documentation available), etc.

I found your report to be lacking in impertinent information, misleading, and untruthful. It is my hope that the NCAA will request a more balanced and factual report, or perhaps schedule another visit to look into the continuing controversy at UND. Please let me know what documentation I can provide you with to make your report to the NCAA more balanced, complete, and factual.

I will forward my comments to other members of our committee for review.

NCAA

EXHIBIT 2